

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOSE R. ROMAN-ACOSTA  
Defendant.

CRIMINAL NO. 97-178 (PG)

INFORMATIVE MOTION  
**(Re: Motion in Response to Motion  
Filed on April 20, 2007 by Defense Counsel)**

TO THE HONORABLE  
**JUAN M. PEREZ-GIMENEZ**  
UNITED STATES SENIOR JUDGE  
FOR THE DISTRICT OF PUERTO RICO

COMES NOW Assistant Federal Public Defender Carlos A. Vázquez-Alvarez, assigned counsel for defendant José R. Román-Acosta (hereinafter “Román”), and before this Honorable Court (hereinafter “the Court”) respectfully informs:

1. On April 20 2007, defendant Román filed a Motion to Dismiss for Lack of Jurisdiction (hereinafter, “Motion to Dismiss”). Docket Entry No. 39.
2. In his Motion to Dismiss defendant stated that pursuant to the U. S. Probation Office’s (hereinafter, “Probation”) *Motion Notifying Supervised Release Violations and Request for the Issuance of an Arrest Warrant* (hereinafter, “Motion”) defendant Román commenced his supervised release term on April 21, 2005. See, Docket Entry No. 36.
3. In said Motion, Probation informed of new violations by the defendant, and

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requested the issuance of an arrest warrant.

4. According to the Motion, defendant's term of supervised release expired on April 4, 2007. *See* Motion, at 1. The warrant of arrest in the instant case was issued on April 10, 2007. Docket Entry No. 38.

5. On April 20, 2007, U.S. Probation Officer Jeffrey Semidey filed a *Motion in Response to Motion Filed on April 20, 2007, by Defense Counsel* (rather than Defendant) (emphasis ours). (Hereinafter, "Response").

6. In his Response, Officer Semidey advised that he inadvertently informed the Court that "the supervision term expiration date was April 4, 2007", when in fact "the correct expiration date is April 20, 2007". However, no evidence supporting such statement was included in the Response.

7. In the last sentence of his Response, Officer Semidey states that "the defense attorney was made aware of the error of the expiration date before the filing of his motion".

8. This writer takes exception to such remark as written because (from my perspective, at least) it insinuates that I was purposely trying to move the Court to error.

9. What Officer Semidey fails to mention in his Response is that it was the undersigned who called him on April 19, 2007, to inquire about the correctness of the dates.

10. That when I called Mr. Semidey on the 19th, he was out of the office, and he had his secretary or assistant call me to advise that the date of expiration was April

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20, and not April 4, 2007.

11. That in light of this information, the undersigned withheld filing the Motion to Dismiss (which was already drafted) until such time I discussed this matter with Mr. Semidey.

12. That on April 20, 2007, the date scheduled for defendant's revocation hearing, the undersigned met with Mr. Semidey in Court.

13. Mr. Semidey informed writer that the correct date of expiration of defendant's term of supervised release was April 20, 2007.

14. This writer specifically advised Mr. Semidey that to safeguard defendant's right (and fulfill this writer's duty as defense counsel), I would be filing the Motion to Dismiss in order for Probation to formally respond, and place on the record whatever evidence they had to support or correct their position.

15. For the record, it has never been this writer's practice to purposely move any District Judge to error.

RESPECTFULLY SUBMITTED.

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**I HEREBY CERTIFY** that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

In San Juan, Puerto Rico, this 23rd day of April, 2007.

**JOSEPH C. LAWS, JR**  
**Federal Public Defender**  
**District of Puerto Rico**

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